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11 ASSOCIATED PRODUCTION MUSIC LLC

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

14 ASSOCIATED PRODUCTION  
15 MUSIC LLC, a New York limited  
16 liability company,

17 Plaintiff,

18 vs.

19 YAMAHA MOTOR  
20 CORPORATION, U.S.A., a  
21 California corporation,  
22 CARECOTV, LLC, a Texas limited  
23 liability company, DOES 1-10  
24 inclusive,

25 Defendant.

CASE NO.: 8:25-CV-00509-SRM-ADS

26 **SECOND AMENDED COMPLAINT**  
27 **FOR:**

- 28 **1. DIRECT COPYRIGHT INFRINGEMENT**
- 2. CONTRIBUTORY COPYRIGHT INFRINGEMENT**
- 3. VICARIOUS COPYRIGHT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Associated Production Music LLC (“APM” or “Plaintiff”), by and  
2 through its undersigned attorneys, brings this complaint (the “Complaint”) against  
3 Yamaha Motor Corporation, U.S.A.(“Yamaha”), a California corporation, and  
4 CARECOTV, LLC (collectively “Defendants”) upon knowledge and belief as to  
5 itself and as to all other matters upon information and belief of its undersigned  
6 attorneys.

7 **NATURE OF THE ACTION**

8 1. This is an action for copyright infringement in connection with the  
9 United States terms of copyright (the “Copyrights”) in the sound recordings and  
10 music compositions for the works listed on **Exhibit 1** to the Complaint (the  
11 “Subject Works”) and incorporated herein.

12 **PLAINTIFF**

13 2. Plaintiff APM is a New York limited liability company with its  
14 principal place of business located in Hollywood, California.

15 **DEFENDANT**

16 3. Defendant Yamaha is a California Corporation, and subsidiary of  
17 Yamaha Motor Co., Ltd. with headquarters located at 655 Katella Avenue, Cypress,  
18 CA 90630.

19 4. Defendant CARECOTV, LLC (“CarecoTV”) is a licensee of Yamaha  
20 with a headquarters in San Antonio, Texas.

21 **JURISDICTION AND VENUE**

22 5. Subject matter jurisdiction is appropriate to this Court under 28 U.S.C.  
23 §§ 1331 and 1338 because this action arises under the Copyright Laws of the  
24 United States (17 U.S.C. §§ 101 et seq.), and this Court has supplemental  
25 jurisdiction over any related state law claims under 28 U.S.C. § 1367.

26 6. This Court has personal jurisdiction over Defendants because  
27 Defendant Yamaha is incorporated in California, and a substantial amount of its  
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1 business and conduct occurred in California. Defendants's conduct causing injury  
2 to APM and its intellectual property occurred within the State of California through  
3 exploitation of the Subject Works on YouTube, X (formerly Twitter), Instagram,  
4 and Facebook, all California-based companies, accessible to California-based  
5 consumers. Additionally, Defendants: (a) regularly does business or solicits  
6 business in the State of California, (b) engages in a persistent course of conduct in  
7 the State of California, (c) derives substantial revenue from consumers located in  
8 the State of California, (d) expects or should reasonably expect its acts to have  
9 consequences in the State of California, and (e) derives substantial revenue from  
10 interstate commerce.

11 7. Venue is appropriate under 28 U.S.C. §§ 1391 and 1400 because  
12 Defendant Yamaha resides in Orange County.

13 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

14 8. APM is the leading production music company in North America.  
15 Production music is the name given to recorded music that is intended to be  
16 licensed to customers for use in film, television, radio, and other media. With more  
17 than one million tracks, APM's production music catalog is the largest, deepest,  
18 and broadest music collection in the production music industry. Indeed, APM's  
19 catalog consists of over 50 diverse and in-demand production music libraries,  
20 including KPM Music, Bruton, Sonoton, Cezame, and Kosinus. Some of APM's  
21 most well-known tracks are "Heavy Action" (a.k.a. The Theme for *Monday Night*  
22 *Football*), "The Big One" (a.k.a. The Theme for *The People's Court*), and "Sweet  
23 Victory" (from the *SpongeBob SquarePants* episode "Band of Geeks"). APM's  
24 music has also been synchronized on major entertainment properties such as  
25 *GLOW*, *This is Us*, *Westworld*, *The Americans*, *Stranger Things*, *Atlanta*, *Game of*  
26 *Thrones*, *SpongeBob SquarePants*, *The Ren & Stimpy Show*, *Lady Bird*, *Mudbound*,  
27 *The Disaster Artist*, *The Big Sick*, *The Shape of Water*. *Call of Duty: Infinite*  
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1 *Warfare, Tom Clancy's Ghost Recon Wildlands, the Saints Row series, and MLB:*  
2 *The Show.*

3 9. As the North American subpublisher of its highly valuable catalog,  
4 which includes the Copyrights to the Subject Works, APM possesses the exclusive  
5 rights to record, reproduce, distribute, advertise, and otherwise exploit such  
6 copyrighted works, as well as to license others to do so in exchange for the payment  
7 of royalties or fees customarily associated with the issuance of such licenses.

8 10. On information and belief, Defendant Yamaha is an American  
9 corporate subsidiary of the Japanese parent corporation, Yamaha Motor Co., Ltd.  
10 On information and belief, Yamaha operates numerous YouTube channels and  
11 social media accounts, including without limitation, Instagram and Facebook  
12 accounts. On information and belief, CocareTV operates numerous YouTube  
13 channels and social media accounts, including without limitation, Instagram and  
14 Facebook accounts. On information and belief, CocareTV produces and owns the  
15 show "Yamaha's Whitetail Diaries" a show sponsored by Yamaha. Plaintiff's  
16 Subject Works appear without authorization in "Yamaha's Whitetail Diaries."

17 11. Defendants distribute content on each of their social media accounts  
18 and websites, including the allegedly infringing content described below, or include  
19 links to the accounts where the allegedly infringing content is contained.

20 12. Further, on information and belief, Defendants' websites and social  
21 media websites are not passive portals for consumers to simply view contents. Each  
22 Defendants' website and social media accounts offer for sale merchandise and  
23 memorabilia to consumers nationwide. These websites and offerings are not limited  
24 to states in which the Defendants reside. Each Defendant sells and ships products to  
25 California and California consumers. Each Defendants' social media accounts and  
26 website are commercial endeavors to drive popularity, viewership, and merchandise  
27 sales for their respective products and partners. The allegedly infringing content  
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1 described below is an integral part of each Defendants' marketing and advertising  
2 efforts.

3 13. On information and belief, Defendant CocareTV contracted with  
4 Yamaha, a California company, to sponsor their content, including the infringing  
5 content described below. Defendant's content includes many California-based and  
6 focused articles and videos including those titled "Burbank Police Department  
7 Received Yamaha Outdoor Access Initiative Grant with Help from Jay Leno,"  
8 "Yamaha and Southern California Mountains Foundation Join Forces for Public  
9 Lands Conservation," and "Yamaha and Southern California Mountains Foundation  
10 Join Forces for Public Lands Conservation."

11 14. In or about 2024, APM became aware that Defendants, and their  
12 affiliated and/or wholly owned subsidiaries' and brands' social media channels,  
13 have engaged, and are currently engaging in, rampant infringement of the Subject  
14 Works by exploiting them in connection with numerous promotional postings as  
15 listed on **Exhibit 2** to the Complaint and incorporated by reference herein.

16 15. At no point did Defendants ever obtain APM's license, authorization,  
17 or consent to synchronize the Subject Works with the Videos. Yamaha has properly  
18 licensed music from APM before. On information and belief, their failure to  
19 properly license APM's music in nearly forty different videos was knowing or  
20 recklessly disregarded APM's rights in its music.

21 16. Moreover, despite being repeatedly contacted by APM regarding  
22 Defendant Yamaha's unlicensed uses of the Subject Works, Defendant Yamaha has  
23 refused to obtain proper licenses or admit wrongdoing. Yamaha further left the  
24 infringing works on their sites for months after being first alerted of the  
25 infringement.

26 17. Defendant's pattern of egregious disregard for APM's rights was made  
27 quite apparent when a representative of Yamaha attempted to retroactively license  
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1 the music behind APM's back. In an email to APM, Yamaha, by and through its  
2 representative, attempted to induce APM to provide a retroactive license without  
3 disclosing that Yamaha had been repeatedly alerted over months that the music was  
4 infringing. Defendant's bad faith in attempting to attain a retroactive license makes  
5 clear that they do not hold APM's rights in any regard, and continue to willfully  
6 breach them.

7 18. Defendant's disregard for APM's rights was shown yet again by the  
8 fact that, despite being notified numerous times, Defendant Yamaha kept the  
9 infringing posts up on their social media sites until at least December 2, 2024, with  
10 some remaining active longer.

11 **FIRST CAUSE OF ACTION**

12 **DIRECT COPYRIGHT INFRINGEMENT**

13 19. Plaintiff hereby incorporates the allegations set forth above in  
14 paragraphs 1 through 11, as though fully set forth herein.

15 20. Without Plaintiff's authorization, license, or consent, Defendants  
16 reproduced, distributed, and/or publicly performed the Subject Works as part of the  
17 Videos, thereby infringing Plaintiff's exclusive rights of copyright to the Subject  
18 Works under the Copyright Act, 17 U.S.C. §§ 106, 501.

19 21. On information and belief, Defendants have authorized the  
20 reproduction, distribution, and/or public performance of the Subject Works by  
21 synchronizing the Subject Works with the Videos on YouTube.

22 22. Each unauthorized reproduction, distribution, and/or public  
23 performance of the Videos constitutes a separate and distinct act of copyright  
24 infringement of the Subject Works .

25 23. Defendant's conduct has been intentional, willful and with full  
26 knowledge of Plaintiff's copyrights in the Subject Works and the direct  
27 infringement thereof.

1           24. Pursuant to 17 U.S.C. § 504(b), as a direct and proximate result of  
2 Defendant's direct infringement of Plaintiff's copyrights, Plaintiff is entitled to  
3 recover its actual damages, including Defendant's profits from infringement, as will  
4 be proven at trial. Alternatively, pursuant to 17 U.S.C. § 504(c), Plaintiff is entitled  
5 to recover up to \$150,000 in statutory damages per work infringed.

6           25. Plaintiff is also entitled to recover its attorneys' fees and costs pursuant  
7 to 17 U.S.C. § 505, and prejudgment interest according to law.

8           26. Defendants are causing, and unless enjoined by the Court, will  
9 continue to cause, Plaintiff irreparable harm for which Plaintiff has no adequate  
10 remedy at law. Plaintiff is entitled to an injunction under 17 U.S.C. § 502,  
11 prohibiting the continued infringement of the Subject Works, and an order under 17  
12 U.S.C. § 503 directing the impoundment, destruction, or other reasonable  
13 disposition of all infringing works, including the Videos.

14                           **SECOND CAUSE OF ACTION**

15                           **CONTRIBUTORY COPYRIGHT INFRINGEMENT**

16           27. Plaintiff hereby incorporates the allegations set forth above in  
17 paragraphs 1 through 19, as though fully set forth herein.

18           28. Through their conduct alleged herein, Defendants knowingly and  
19 systematically induced, caused, materially contributed to and participated in  
20 infringing distribution by third parties of the Subject Works, including, without  
21 limitation, by way of reproduction, distribution, and/or public performance through  
22 the YouTube platform. Specifically, by licensing to YouTube the right to  
23 reproduce, distribute, and/or publicly perform the Videos, Defendants induced and  
24 encouraged YouTube to directly infringe Plaintiff's Copyrights.

25           29. Defendant's conduct has been intentional, willful and with full  
26 knowledge of Plaintiff's copyrights in the Subject Works, and the contributory  
27 infringement thereof.



1           30. Pursuant to 17 U.S.C. § 504(b), as a direct and proximate result of  
2 Defendant's contributory infringement of Plaintiff's copyrights, Plaintiff is entitled  
3 to recover its actual damages, including Defendant's profits from infringement, as  
4 will be proven at trial. Alternatively, pursuant to 17 U.S.C. § 504(c), Plaintiff is  
5 entitled to recover up to \$150,000 in statutory damages per work infringed.

6           31. Plaintiff is also entitled to recover its attorneys' fees and costs pursuant  
7 to 17 U.S.C. § 505, and prejudgment interest according to law.  
8 Defendants are causing, and unless enjoined by the Court, will continue to cause,  
9 Plaintiff irreparable harm for which Plaintiff has no adequate remedy at law.  
10 Plaintiff is entitled to an injunction under 17 U.S.C. § 502 prohibiting the continued  
11 contributory infringement of the Subject Works and an order under 17 U.S.C. § 503  
12 directing the impoundment, destruction or other reasonable disposition of all  
13 infringing works.

### 14                                   **THIRD CAUSE OF ACTION**

#### 15                                   **VICARIOUS COPYRIGHT INFRINGEMENT**

16           32. Plaintiff hereby incorporated the allegations set forth in paragraphs 1-  
17 24, as though fully set forth herein.

18           33. Through their conduct alleged herein, Defendants knowingly and  
19 systematically induced, caused, materially contributed to and participated in  
20 infringing distribution by third parties of the Subject Works, including without  
21 limitation, by way of reproduction, distribution, and/or public performance through  
22 the various websites listed on **Exhibit 2**. Specifically, Defendants enjoyed a direct  
23 financial benefit from the reproduction, distribution, and/or public performance of  
24 the Videos while having the right and ability to supervise the infringing activity yet  
25 failed to exercise that right and ability to prevent the infringing activity.

26           34. Defendant's conduct has been intentional, willful, and with full  
27 knowledge of Plaintiff's copyrights in the Subject Works, and the contributory  
28



1 infringement thereof.

2 35. Pursuant to U.S.C. § 504(b), as a direct and proximate result of  
3 Defendant's vicarious infringement of Plaintiff's copyrights, Plaintiff is entitled to  
4 recover their actual damages, including Defendant's profits from infringement, as  
5 will be proven at trial. Alternatively, pursuant to 17 U.S.C. § 504(c), Plaintiff is  
6 entitled to recover up to \$150,000 in statutory damages per work infringed.

7 36. Plaintiff is also entitled to recover its attorneys' fees and costs pursuant  
8 to 17 U.S.C. § 505, and prejudgment interest according to law.

9 37. Defendants are causing, and unless enjoined by the Court will continue  
10 to cause, Plaintiff irreparable harm for which Plaintiff has no adequate remedy at  
11 law. Plaintiff is entitled to an injunction under 17 U.S.C. § 502 prohibiting the  
12 continued vicarious infringement of the Subject Works and an order under 17  
13 U.S.C. § 503 directing the impoundment, destruction, or other reasonable  
14 disposition of all infringing works.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff prays for Judgment as follows:

17 **On the First Claim for Direct Copyright Infringement:**

- 18 1. For an award of damages, including actual damages and the disgorgement of  
19 any and all gains, profits and advantages obtained by Defendants, as a result  
20 of its acts of infringement in an amount according to proof at trial, or,  
21 alternatively, for an award of statutory damages in an amount of up to  
22 \$150,000 per work infringed, according to proof at the time of trial;
- 23 2. For a temporary, preliminary and permanent injunction, prohibiting the  
24 continued infringement of the Subject Works during the terms of copyright;  
25 and
- 26 3. For attorneys' fees and costs.

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**On the Second Claim for Contributory Copyright Infringement:**

1. For an award of damages, including actual damages and the disgorgement of any and all gains, profits and advantages obtained by Defendants, as a result of their acts of contributory infringement in an amount according to proof at trial, or, alternatively, for an award of statutory damages in an amount of up to \$150,000 per work infringed, according to proof at the time of trial;
2. For a temporary, preliminary and permanent injunction, prohibiting the continued infringement of the Subject Works during the terms of copyright; and
3. For attorneys' fees and costs.

**On the Third Claim for Vicarious Copyright Infringement:**

1. For an award of damages, including actual damages and the disgorgement of any and all gains, profits and advantages obtained by Defendants, as a result of its acts of vicarious infringement in an amount according to proof at trial, or, alternatively, for an award of statutory damages in an amount of up to \$150,000 per work infringed, according to proof at the time of trial;
2. For a temporary, preliminary, and permanent injunction, prohibiting the continued infringement of the Subject Works during the terms of copyright; and
3. For attorneys' fees and costs.

**On All Claims For Relief:**

1. For costs of suit and attorneys' fees incurred herein;
2. For prejudgment interest at the legal rate; and
3. For such other and further relief as the Court deems just and proper.

1 Dated: October 29, 2025

**JOHNSON & JOHNSON LLP**

By /s/ Douglas L. Johnson

Douglas L. Johnson

Frank R. Trechsel

Hunter S. Litterio

*Attorneys for Plaintiff*

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

Dated: October 29, 2025

**JOHNSON & JOHNSON LLP**  
By /s/ Douglas L. Johnson  
Douglas L. Johnson  
Frank R. Trechsel  
Hunter S. Litterio  
*Attorneys for Plaintiff*